

Message Text

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PAGE 01 STATE 181262
ORIGIN SCS-06

INFO OCT-01 ISO-00 ARA-10 L-03 CA-01 JUSE-00 /021 R

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-----077461 181919Z /45
O 181845Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY KINGSTON IMMEDIATE

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E.O. 11652: N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE: REQUESTS FOR WITNESSES
RESIDING IN JAMAICA TO APPEAR AS WITNESSES IN COURTS IN
THE UNITED STATES

REF: A) KINGSTON 5539 AND B) KINGSTON 5169

1. DEPT CALLS UPON EMBASSIES THROUGHOUT THE WORLD TO
ASSIST IN CONTACTING IMPORTANT GOVERNMENT WITNESSES IN
ORDER TO PROVIDE THESE INDIVIDUALS WITH A GOVERNMENT TRAVEL
REQUEST AND ANY STATUTORY WITNESS FEES. MOST OF THESE
WITNESSES HAVE BEEN CONTACTED IN ADVANCE BY THE APPROPRIATE
UNITED STATES ATTORNEY. MOST ARE WILLING TO TESTIFY. MOST
ARE UNITED STATES CITIZENS OR PERMANENT RESIDENT ALIENS
RESIDING ABROAD. THE DEPT IS STATUTORILY BOUND TO ASSIST
THE DEPT OF JUSTICE AND OTHER INTERESTED AGENCIES IN THIS
REGARD. WE WOULD LIKE TO OPERATE AS EFFICIENTLY AND
QUICKLY AS POSSIBLE (WITHOUT AFFECTING THE SENSITIVITIES
OF THE HOST GOVERNMENT) IN CONTACTING THE WITNESSES AND
ASSISTING THEM IN THEIR TRAVEL ARRANGEMENT TO THE UNITED
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PAGE 02 STATE 181262

STATES.

NECESSARY TO IN SOME MANNER CONTACT THE MINISTRY OF

FOREIGN AFFAIRS THAT IT DO SO. HOWEVER, SINCE, AS THE
EMBASSY POINTS OUT, THESE REQUESTS ARE FREQUENT, WE BELIEVE

THAT IT WOULD BE BEST FOR THE EMBASSY TO REQUEST A
BLANKET AUTHORIZATION TO CONTACT WILLING WITNESSES WITHOUT
PRIOR APPROVAL FROM THE HOST GOVERNMENT. (IN THE UNITED
STATES THERE IS NO OBJECTION TO FOREIGN EMBASSY OFFICIALS
CONTACTING INDIVIDUALS (US CITIZENS OR ALIENS) AND
REQUESTING THEM TO APPEAR AT TRIBUNALS IN THEIR COUNTRIES
AT THOSE COUNTRIES' EXPENSE.) IF THE EMBASSY CANNOT OBTAIN
A BLANKET AUTHORIZATION, THE EMBASSY SHOULD REQUEST AN
INFORMAL CLEARANCE PROCEDURE, E.G. BY TELEPHONE WITH AN
OFFICE IN EITHER THE JAMAICA MFA OR MINISTRY OF JUSTICE.
IF THIS IS ALSO NOT POSSIBLE, THEN A DIPLOMATIC NOTE
SHOULD BE FORWARDED TO THE MFA, PREFERRABLY BY HAND, GIVEN
THE URGENCY OF THE CASE. WE HOPE THAT JAMAICA WOULD NOT
IMPOSE RESTRICTIONS UPON THE TRAVEL OF WITNESSES TO THE
UNITED STATES WHO ARE TESTIFYING IN THE INTEREST OF
JUSTICE. CHRISTOPHER

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TO AMEMBASSY KINGSTON IMMEDIATE

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C O R R E C T E D C O P Y (PARA 2, LINE 1 OMITTED)

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RESIDING IN JAMAICA TO APPEAR AS WITNESSES IN COURTS IN
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REF: A) KINGSTON 5539 AND B) KINGSTON 5169

1. DEPT CALLS UPON EMBASSIES THROUGHOUT THE WORLD TO ASSIST IN CONTACTING IMPORTANT GOVERNMENT WITNESSES IN ORDER TO PROVIDE THESE INDIVIDUALS WITH A GOVERNMENT TRAVEL REQUEST AND ANY STATUTORY WITNESS FEES. MOST OF THESE WITNESSES HAVE BEEN CONTACTED IN ADVANCE BY THE APPROPRIATE UNITED STATES ATTORNEY. MOST ARE WILLING TO TESTIFY. MOST ARE UNITED STATES CITIZENS OR PERMANENT RESIDENT ALIENS RESIDING ABROAD. THE DEPT IS STATUTORILY BOUND TO ASSIST THE DEPT OF JUSTICE AND OTHER INTERESTED AGENCIES IN THIS REGARD. WE WOULD LIKE TO OPERATE AS EFFICIENTLY AND QUICKLY AS POSSIBLE (WITHOUT AFFECTING THE SENSITIVITIES LIMITED OFFICIAL USE

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PAGE 02 STATE 181262

OF THE HOST GOVERNMENT) IN CONTACTING THE WITNESSES AND ASSISTING THEM IN THEIR TRAVEL ARRANGEMENT TO THE UNITED STATES.

2. WE SUGGEST THAT IF THE EMBASSY BELIEVES THAT IT IS NECESSARY TO IN SOME MANNER CONTACT THE MINISTRY OF FOREIGN AFFAIRS THAT IT DO SO. HOWEVER, SINCE, AS THE EMBASSY POINTS OUT, THESE REQUESTS ARE FREQUENT, WE BELIEVE THAT IT WOULD BE BEST FOR THE EMBASSY TO REQUEST A BLANKET AUTHORIZATION TO CONTACT WILLING WITNESSES WITHOUT PRIOR APPROVAL FROM THE HOST GOVERNMENT. (IN THE UNITED STATES THERE IS NO OBJECTION TO FOREIGN EMBASSY OFFICIALS CONTACTING INDIVIDUALS (US CITIZENS OR ALIENS) AND REQUESTING THEM TO APPEAR AT TRIBUNALS IN THEIR COUNTRIES AT THOSE COUNTRIES' EXPENSE.) IF THE EMBASSY CANNOT OBTAIN A BLANKET AUTHORIZATION, THE EMBASSY SHOULD REQUEST AN INFORMAL CLEARANCE PROCEDURE, E.G. BY TELEPHONE WITH AN OFFICE IN EITHER THE JAMAICA MFA OR MINISTRY OF JUSTICE. IF THIS IS ALSO NOT POSSIBLE, THEN A DIPLOMATIC NOTE SHOULD BE FORWARDED TO THE MFA, PREFERRABLY BY HAND, GIVEN THE URGENCY OF THE CASE. WE HOPE THAT JAMAICA WOULD NOT IMPOSE RESTRICTIONS UPON THE TRAVEL OF WITNESSES TO THE UNITED STATES WHO ARE TESTIFYING IN THE INTEREST OF JUSTICE. CHRISTOPHER

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